

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOS RODRIGUEZ DELI & GROCERY CO.  
and JUAN ANTONIO RODRIGUEZ,

Plaintiffs,

-against-

UNITED STATES and UNITED STATES  
DEPARTMENT OF AGRICULTURE FOOD  
AND NUTRITION SERVICE,  
ADMINISTRATIVE REVIEW OFFICER,

Defendants.

USDC SDNY  
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21-cv-8844 (MKV)

SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

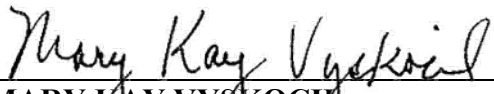
The Court is in receipt of the application for emergency relief that Plaintiffs filed today, including a proposed order that contemplates enjoining the government from suspending Plaintiffs' ability to participate in the SNAP program and accept EBT payments pending a hearing on Plaintiffs' motion [ECF Nos. 3, 3-1, 3-2]. Having received the Final Agency Decision by the USDA on September 29, 2021, Plaintiffs apparently waited until the end of the 30-day window to seek judicial review [ECF No. 1-1 ¶¶ 3, 17]. Because there is no reason to proceed *ex parte*, the Court will not stay implementation of the Agency Decision pending a hearing. However, the Court has carefully reviewed Plaintiffs' allegations that the decision to suspend Plaintiffs was arbitrary and capricious and that Plaintiff will suffer irreparable harm, and the Court will hold a hearing as quickly as is feasible.

Accordingly, IT IS HEREBY ORDERED that Plaintiffs shall effectuate service on the government today, October 29, 2021. IT IS FURTHER ORDERED that the government shall respond by 2:00 PM on Monday, November 1, 2021. In that response, the government shall inform the Court whether it consents to stay the suspension pending resolution of this dispute.

IT IS FURTHER ORDERED that the parties shall appear for a telephonic hearing on Plaintiffs' motion on Tuesday, November 2, 2021 at 2:00 PM. To join the hearing, dial 888-278-0296 at the scheduled time. When prompted, enter Access Code 5195844.

**SO ORDERED.**

**Date: October 29, 2021**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**